

Patent
Serial No. 10/573,084
Amendment in Reply to Office Action of November 14, 2008
and Notice of Non-Compliant Amendment of June 9, 2009

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated November 14, 2008 and the Notice of Non-Compliant Amendment of June 9, 2009. This Amendment is provided to replace a Non-Compliant Amendment previously submitted on February 13, 2009. Accordingly, the Examiner is requested to discard the Amendment submitted on February 13, 2009 and to substitute therefore, this Amendment.

Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 21-43 are pending in the Application. Claims 42-43 are added by this amendment, although were previously provided in the Non-Compliant Amendment submitted on February 13, 2009.

Response to the Notice of Non-Compliant Amendment of June 9, 2009

In review of the Application file wrapper, Claims 42-43, mis-numbered as claims 41-42, were indicated as added by an Amendment submitted on February 13, 2009 (the Non-Compliant Amendment

previously submitted on February 13, 2009) in response to a Non-Final Office Action dated November 14, 2009. The Non-Compliant Amendment previously submitted on February 13, 2009, failed to indicate that claim 41 had been previously added by an Amendment submitted on September 15, 2008 in response to a Requirement for Restriction/Election mailed on August 18, 2008. A Notice to the Applicant Regarding a Non-Compliant Amendment was mailed on June 9, 2009, which properly noted this omission of previously presented claim 41. Herein, claim 41 is provided with the indicator of "Previously presented" and claims 42-43 are presented as "New", renumbered from the Non-Compliant Amendment previously submitted on February 13, 2009, to properly reflect the previously presented claim 41. Accordingly, it is respectfully submitted that this amendment is compliant and entrance and consideration of this amendment is respectfully requested.

Response to the Non-Final Office Action of November 14, 2009

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, the restriction requirement is deemed proper and made final. This restriction requirement is respectfully traversed.

Arguments in Support of Traversal of Restriction

It is respectfully submitted that the restriction requirement is in error and is not supportable under PCT Rules 13.1 and 13.2 since each of the claims share a single general inventive concept, namely "wherein regions of the light guide are configured to direct light propagating within the light guide, out of a face of the light guide without passing through the light guide so as to form a plurality of line light sources" as recited in claim 21. It is respectfully submitted that under PCT Rule 13.2, unity of invention between claim 21 and claims 22-42 since between the claims there is a "relationship among those inventions involving one or more of the same or corresponding special technical features." As should be clear, since claim 21 is generic to each of the recited claims, clearly each of the claims involves one or more of the same or corresponding special technical features.

In fact, as previously pointed, it is respectfully submitted that the very premise of the identified species is flawed in that a simple recitation of a claim feature in open ended claims as presented herein, does not exclude a potential other feature unless those cited features are mutually exclusive.

Accordingly, it is respectfully submitted that the restriction requirement is in error and is not supportable under PCT Rules 13.1 and 13.2 since each of the claims share a single general inventive concept, namely "a backlight, the backlight comprising a planar light guide through which light is guided transversely by internal reflection, wherein regions of the light guide are configured to direct light propagating within the light guide, out of a face of the light guide without passing through the light guide so as to form a plurality of line light sources." Accordingly, it is respectfully requested that the restriction requirement be withdrawn.

Response to Prior Art Rejections

In the Office Action, claims 21-22, 33, 35, 37-38 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,897,184 to

Eichenlaub ("Eichenlaub"). Claims 21-22, 33, 35, 37-38 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,474,827 to Shinohara ("Shinohara"). Claim 23 is rejected under 35 U.S.C. §103(a) over Eichenlaub or Shinohara in view of U.S. Patent No. 5,546,492 to Ansley ("Ansley") and Japanese Patent Publication JP 2000171798 to Higuchi ("Higuchi"). Claims 26, 34 and 41 are rejected under 35 U.S.C. §103(a) over Eichenlaub or Shinohara in view of U.S. Patent Publication No. 2002/0089620 to Yamamoto ("Yamamoto"). Claim 36 is rejected under 35 U.S.C. §103(a) over Eichenlaub or Shinohara in view of U.S. Patent No. 7,128,459 to Igarashi ("Igarashi"). Claims 24-25 and 32 rejected under 35 U.S.C. §103(a) over Eichenlaub or Shinohara in view of U.S. Patent Publication No. 2005/0162586 to Bae ("Bae") or U.S. Patent No. 6,545,811 to Fujimoto ("Fujimoto").

These rejections are respectfully traversed. It is respectfully submitted that claims 21-43 are allowable over Eichenlaub or Shinohara alone and in view of any combination of Ansley, Higuchi, Yamamoto, Igarashi, Bae and Fujimoto for at least the following reasons.

As a review of Eichenlaub makes clear, in the light guide disclosed, light is reflected off of grooves 20, back through the light guide (see, Eichenlaub, FIGs. 1 and 4). As stated in Eichenlaub, (emphasis added) "[l]ight transmitted from illuminated edge 14 will reflect off elongated reflecting surfaces 24 of the grooves 20 and will bounce off towards the second surface 18", the surface on the other side of the light guide with reference to the grooves 20.

Similarly, Shinohara shows a light guide wherein light is reflected by grooves through the light guide and exits after passing through the light guide.

It is respectfully submitted that the display device of claim 21 is not anticipated or made obvious by the teachings of Eichenlaub or Shinohara. For example, Eichenlaub and Shinohara do not disclose or suggest, a display device that amongst other patentable elements, comprises (illustrative emphasis added) "the backlight comprising a planar light guide through which light is guided transversely by internal reflection, wherein regions of the light guide are configured to direct light propagating within the light guide by internal reflection, out of a face of the light

guide without passing through the light guide after being directed by the regions so as to form a plurality of line light sources" as recited in claim 21. Each of Ansley, Higuchi, Yamamoto, Igarashi, Bae and Fujimoto are introduced for allegedly showing elements of the dependent claims and as such, do nothing to cure the deficiencies in each of Eichenlaub and Shinohara. As is clear from Eichenlaub and Shinohara, each has grooves that reflect light through the light guide prior to the light exiting the light guide.

Based on the foregoing, the Applicants respectfully submit that independent claim 21 is patentable over Eichenlaub and Shinohara and notice to this effect is earnestly solicited. Claims 22-43 respectively depend from claim 21 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

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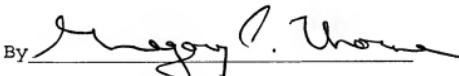
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presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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